

## **REMARKS**

Claims 1-7 and 10-21 are pending in the application. Claims 1 and 18 stand rejected due to informalities. Claims 1 and 18 have been amended to address this rejection. Claims 1-3, 6-10 and 13-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over by U.S. Publication No. 2006/0067190 A1 issued to Kurobe et al. in view of U.S. Patent No. 6,526,014 B2 issued to Masaki et al. Claims 4, 5, 11 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kurobe in view of Masaki and further in view of U.S. Publication No. 2004/0130993 A1 issued to Nadershahi. Claim 21 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kurobe et al in view of Kubota et al and further in view of WO 2003/091935 A3 issued to Stan. Applicants respectfully traverse the rejections and request reconsideration and full allowance of all pending claims.

The Examiner maintains the rejection of Claim 1 by equating ROM to a hard drive and stating that use of a hard drive fails to solve any problems or has a particular purpose. Applicants respectfully traverse. As an example, a hard drive stores a write strategy outside of the optical drive, allowing access of a write strategy for other optical drives interfaced with the hard drive. Thus, Applicants respectfully request that the Examiner withdraw the rejection of Claim 1 as well as Claims 2-7 which depend from Claim 1.

Kurobe and Masaki cannot make obvious Claims 10 and 18 because Kurobe and Kubota fail to teach, disclose or suggest all elements recited by Claims 10 and 18. Both Claims 10 and 18 recite averaging power settings found at plural areas. The Examiner bases the rejections of Claims 10 and 18 on Figure 18B, however, Figure 18B discloses averages used for a single location, not different locations. In particular, the examiner points to Figure 17 at step S3. However, Masaki performs averaging only within a specific zone, not across an optical medium. Masaki specifically states that its division test writing processing unit is “independently executed” in each of the inner, intermediate and outer rims (4:64). Therefore, Masaki fails to disclose the “distributed locations” recited by Claim 1, “plural locations distributed across the optical medium” as recited by Claim 10 and “plural distributed locations” recited by Claim 18. Masaki explicitly teaches away from averaging inner, intermediate and outer diameter tracks as

recited by Claims 3 and 17. Accordingly, Applicants respectfully submit that Claims 1-7 and 10-21 are fully allowable over Kurobe and Masaki.

### **CONCLUSION**

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

The Commissioner is authorized to deduct any additional fees which may be necessary and to credit any overpayment to Deposit Account No. 502264.

I hereby certify that this correspondence is being electronically submitted to the COMMISSIONER FOR PATENTS via EFS on July 30, 2007.

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Respectfully submitted,

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